

## drago, helene

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**From:** Helene Drago <Drago.Helene@epamail.epa.gov>  
**Sent:** Tuesday, April 14, 2015 11:14 AM  
**To:** drago, helene  
**Subject:** Fw: Bull/Pound Letter

Helene Drago  
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----- Forwarded by Helene Drago/R3/USEPA/US on 04/14/2015 11:13 AM -----

From: Helene Drago/R3/USEPA/US  
To: "Martin,Charles" <Charles.Martin@deq.virginia.gov>  
Cc: "Pollock,Alan" <Alan.Pollock@deq.virginia.gov>, Gregory Voigt/R3/USEPA/US@EPA  
Date: 11/30/2009 03:41 PM  
Subject: Re: FW: Bull/Pound Letter

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Hi Charles. Just a couple of thoughts and concerns. We can talk about tomorrow during our 3:00 conference call. See below in **bold**

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▼ "Martin,Charles" ---11/30/2009 09:57:24 AM---Greg & Helene, We appreciate the effort you and Helene are making in assisting Virginia

From: "Martin,Charles" <Charles.Martin@deq.virginia.gov>  
To: Gregory Voigt/R3/USEPA/US@EPA, Helene Drago/R3/USEPA/US@EPA  
Cc: "Pollock,Alan" <Alan.Pollock@deq.virginia.gov>  
Date: 11/30/2009 09:57 AM  
Subject:FW: Bull/Pound Letter

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Greg & Helene,  
We appreciate the effort you and Helene are making in assisting Virginia in the development of our coal mining TMDLs. We have expanded our expectations for EPA's review and response, and I will itemize them as follows:.

1. EPA's response will be sent to all participants on the video conference on October 15<sup>th</sup>. The list of participants is contained in Allen Newman's email of October 14<sup>th</sup>. I will supply the list of names and email addresses if needed.

**OK- I can send an email to all**

2. Include the Bull Creek data review of precipitation, TSS, and the SS option for events exceeding 0.2 inches in 24 hours.

**Greg and I understood that DEQ and DMLR has reached resolution on the precipitation issue. After a meeting with OSM, and DMLR , Gene made some changes using their data and as a precipitation was to share the results with DMLR. What is DMLR's resoprecipitationnew allocations? How would an EPA report on the precipitation and TSS data help? I was under the impression that the precipitation concerns were no longer an issue.**

3. Include EPA's decision for an expanded review to include the modeling approaches proposed and currently being used by BSE and Map Tech..

**I sent an email to you on the modeling approaches on 11/23/09. I can send the email to the entire group. Have you discussed the two modeling approaches yet with DMLR?**

4. DEQ's justification for phased TMDLs.

**I'm not sure what you are seeking here. In TMDLs with limited data and/or data uncertainty such as the Bull/Pound TMDL, a phased TMDL is an option for the State to consider if the state believes that the use of additional data would increase the accuracy of the TMDL load allocations. While EPA supports and agrees with DEQ's decision to address this TMDL as a phased TMDL, we are not requiring the TMDLs to be phased. As an alternative, the TMDL could provide language such as the following that requires permittees to monitor TSS during rain events.**

**The federal effluent guidelines for the coal mining point source category (40 CFR 434) provide various alternative limitations for discharges caused by precipitation. Under those technology based guidelines, effluent limitations for total iron, total manganese and TSS may be replaced with an alternative limitation for "settleable solids" during certain magnitude precipitation events that vary by mining subcategory. The water quality-based WLAs of this TMDL precludes the applicability of the "alternative precipitation" TSS/SS provisions of 40 CFR 434 and the "alternative precipitation" TSS provisions of 40 CFR 434 should not be applied to point source discharges associated with this TMDL.**

**Language such as the above would be incorporated into the permits, would help ensure the permittees are meeting their WLAs based on 70mg/l, and any exceedances of 70mg/l would be an enforcement issue, not a TMDL issue.**

Please let me know if you have concerns or questions.

Thanks!

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**From:** Martin,Charles  
**Sent:** Monday, November 23, 2009 3:31 PM  
**To:** 'Voigt.Gregory@epamail.epa.gov'  
**Cc:** Pollock,Alan  
**Subject:** RE: Bull/Pound Letter

Greg,  
Another suggestion. We believe the expectation is that EPA's response should be written to all parties involved in the meeting/conference call, presumably in a memo format. I suggest that it should state it is in response to the request from the meeting and should document the results of their review of the data that was provided. You should state you decided to broaden your review to the draft TMDL and provide comments of that review.

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**From:** Voigt.Gregory@epamail.epa.gov [<mailto:Voigt.Gregory@epamail.epa.gov>]  
**Sent:** Monday, November 23, 2009 11:41 AM  
**To:** Martin,Charles  
**Subject:** Bull/Pound Letter

Charles,

Is this what you had in mind for Bull and Pound? Wanted to get your input before I have Helene sign it. Feel free to make edits as necessary.

Greg

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